

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RAMJASS PERSAD,)
Plaintiff) Civil Action
vs.) No. 11-cv-03506
CAROLYN W. COLVIN,)
Acting Commissioner of the)
Social Security Administration)
Defendant)
SOCIAL SECURITY ADMINISTRATION)
Interested Party)

O R D E R

NOW, this 6th day of October, 2014, upon consideration
of the following documents:

- (1) Complaint filed May 31, 2011;
- (2) Answer filed July 29, 2011;
- (3) Plaintiff Ramjass Persad's Brief and Statement of Issues in Support of Request for Review, which brief and statement of issues was filed October 3, 2011;
- (4) Defendant's Response to Request for Review of Plaintiff, which response was filed November 1, 2011;
- (5) Report and Recommendation of United States Magistrate Judge Jacob P. Hart dated and filed October 21, 2013;
- (6) Plaintiff's Objections to the Report and Recommendation of the United States Magistrate Judge, which objections were filed November 4, 2013; and

(7) Defendant's Response to Plaintiff's Objections to the Report and Recommendation of the United States Magistrate Judge, which response to objections was filed November 7, 2014;

after a thorough review of the record in this matter; it appearing that plaintiff's objections to Magistrate Judge Hart's Report and Recommendation are essentially a restatement of the issues raised in plaintiff's request for review, and are without merit; it further appearing after de novo review of this matter that Magistrate Judge Hart correctly determined the legal and factual issues presented,,

IT IS ORDERED that Magistrate Judge Hart's Report and Recommendation is approved and adopted.¹

IT IS FURTHER ORDERED that the decision of the Acting Commissioner is affirmed.

¹ The extent of review of a Magistrate Judge's Report and Recommendation is committed to the discretion of the district court. Jozefick v. Shalala, 854 F.Supp. 342, 347 (M.D.Pa. 1994). However, the district court must review de novo those portions of the Report and Recommendation to which objection is made. 28 U.S.C. § 636(b)(1)(c). The court may "accept, reject or modify, in whole or in part, the magistrate's findings or recommendations." Brophy v. Halter, 153 F.Supp.2d 667, 669 (E.D.Pa. 2001)(Padova, J.); Rule 72.1(IV)(b) of the Rules of Civil Procedure for the United States District Court for the Eastern District of Pennsylvania.

Furthermore, district judges have wide latitude regarding how they treat recommendations of the magistrate judge. See United States v. Raddatz, 447 U.S. 667, 100 S.Ct. 2406, 65 L.Ed.2d 424 (1980). Indeed, by providing for a de novo determination, rather than a de novo hearing, Congress intended to permit a district judge, in the exercise of the court's sound discretion, the option of placing whatever reliance the court chooses to place on the magistrate judge's proposed findings and conclusions. I may accept, reject or modify, in whole or in part, any of the findings or recommendations made by the magistrate judge. Raddatz, supra.

IT IS FURTHER ORDERED that plaintiff's request for review is denied.

IT IS FURTHER ORDERED that plaintiff's alternative request for remand is denied.

IT IS FURTHER ORDERED that plaintiff's objections to the Report and Recommendation of Magistrate Judge Hart are overruled.²

IT IS FURTHER ORDERED that judgment is entered in favor of defendant Carolyn W. Colvin and against plaintiff Ramjass Persad.

IT IS FURTHER ORDERED that the Clerk of Court shall mark this case closed for statistical purposes.

BY THE COURT:

/s/ JAMES KNOLL GARDNER _____
James Knoll Gardner
United States District Judge

² As noted above, plaintiff's objections to Magistrate Judge Hart's Report and Recommendation merely restate the underlying claims contained in his request for review. Moreover, upon review of the Report and Recommendation, together with de novo review of the entire record, I conclude that the Report and Recommendation correctly determines the legal and factual issues raised by plaintiff.

Accordingly, I approve and adopt Magistrate Judge Hart's Report and Recommendation and overrule Plaintiff's Objections to it.